

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

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| MYNETTE TECHNOLOGIES, INC. |) | |
| and STEVEN M. COLBY, |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| v. |) | |
| |) | Case No. 16-cv-01647-RTH |
| THE UNITED STATES, |) | |
| |) | Judge Ryan T. Holte |
| Defendant, |) | |
| |) | |
| and |) | |
| |) | |
| GEMALTO, INC. and IDEMIA IDENTITY |) | |
| & SECURITY USA LLC, |) | |
| |) | |
| Intervenor-Defendants. |) | |
| _____ |) | |

JOINT MOTION TO AMEND CASE SCHEDULE

Plaintiffs Mynette Technologies, Inc. and Steven M. Colby (collectively, “Mynette”), Defendant, the United States (“the Government”), and Intervenor-Defendants Gemalto, Inc. (“Gemalto”) and Idemia Identity and Security USA LLC (“Idemia”) (collectively, “the Parties”) respectfully submit this Joint Motion to Amend Case Schedule.

The Parties have jointly agreed upon the following amended schedule for consideration by the Court, and respectfully move the court to adopt this case schedule. The Parties submit that good cause exists for this proposed schedule amendment. The Parties have noticed numerous party and non-party depositions, and the deadlines proposed herein will allow the parties to complete the depositions while accommodating the schedule of counsel and the witnesses. Additionally, the Government has learned that certain documents requested from the Department of Homeland Security implicate “sensitive information” requiring additional and time-

consuming security and confidentiality protocols, which must be followed before these documents can be produced. Additionally, because the witnesses being deposed in this case are located across the country and in some cases overseas, the parties submit that global health concerns surrounding the COVID-19 pandemic present an additional reason to extend the present case schedule. Given the continued uncertainty surrounding the COVID-19 pandemic at this time, the Parties reserve the right to seek further extensions under the schedule if appropriate.

Accordingly, for the reasons set forth herein, the parties respectfully request that the Court adopt the following schedule:

| Event | Proposed Date | Current Date |
|--|----------------------|---------------------|
| Deadline for Plaintiffs to supplement infringement contentions with additional evidence from case to date. | January 29, 2021 | December 4, 2020 |
| Deadline for the Government to supplement, and Gemalto and Idemia to serve, invalidity contentions. | February 19, 2021 | December 18, 2020 |
| Close of fact discovery, including for damages-related fact discovery. The Parties have agreed that no new discovery requests will be served. Previously noticed depositions are permitted and the parties may follow up on previously propounded discovery requests. | March 12, 2021 | November 20, 2020 |
| RCFC 26(a)(2)(A) disclosure of experts and CVs (except for damages) | April 2, 2021 | December 18, 2020 |

| Event | Proposed Date | Current Date |
|---|----------------------|---------------------|
| Exchange of RCFC 26(a)(2)(B) opening expert reports on issues upon which the parties carry the burden of proof (except for damages) | June 11, 2021 | March 4, 2021 |
| Exchange of RCFC 26(a)(2)(B) responsive expert reports (except for damages) | July 23, 2021 | April 16, 2021 |
| Close of expert discovery (for all issues other than damages) | August 10, 2021 | May 4, 2021 |
| Deadline for Dispositive Motions Under RCFC 56 | September 21, 2021 | June 15, 2021 |
| Deadline for Responses to Dispositive Motions | October 19, 2021 | July 13, 2021 |
| Deadline for Replies to Dispositive Motions | November 2, 2021 | July 27, 2021 |
| Pretrial Conference | Not Set | Not Set |
| Trial on liability (10 days) | Not Set | Not Set |

By: /s/

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Idemia Identity & Security USA LLC*

December 10, 2020